

THE GAMBIA

SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Banjul
Population:	2.348 million
Currency of government (official) fees:	Gambian Dalasi/ USD for foreigners
Language for filing IP applications:	English
GDP per capita:	786.00 (World Bank 2020)
Human Development Index:	0.496 (World Bank 2020)
Main exports:	Peanuts, fish and cotton.
Main imports:	Foodstuffs, fuel and machinery

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

The Gambia is a contracting state to the following international legal instruments:

- ARIPO⁽¹⁾, both the Banjul Protocol on Marks and the Harare Protocol on Patents and Industrial Designs;
- Berne Convention for the Protection of Literary and Artistic Works;
- Madrid Protocol for the International Registration of Trade Marks;
- Paris Convention for the Protection of Industrial Property;
- Patent Cooperation Treaty;
- Patent Law Treaty;
- TRIPS⁽²⁾ Agreement;

⁽¹⁾ ARIPO: the African Regional Intellectual Property Organization.

⁽²⁾ TRIPS Agreement: Agreement on Trade-Related Aspects of intellectual Property Rights the World Trade Organization (WTO).



- WIPO⁽³⁾ Copyright Treaty

Most of The Gambia's IP laws are TRIPS-compliant although, in practice, the level of implementation may be different from other countries.

1.3 REGIONAL AGREEMENTS

The Gambia is a member of the following regional agreements:

- **AfCFTA** (the African Continental Free Trade Area)
- The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for The Gambia when it comes into legal force.
- **ECOWAS** (Economic Community of West African States)
ECOWAS has no IP regional agreements, protocols, or IP registration systems in place.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN THE GAMBIA

The following IP protection is available in The Gambia:

- 1) **trade marks:** national, regional (ARIPO) and international (Madrid);
- 2) **patents:** national and regional (ARIPO);
- 3) **utility models:** national and regional (ARIPO);
- 4) **industrial designs:** national and regional (ARIPO)
- 5) **layout-designs (topographies) of integrated circuits:** national; and
- 6) **copyright and neighbouring rights:** national.

1.5 IP REGISTRATION ROUTES

IP protection in The Gambia can be secured at **three** levels: national, regional and international.

National

The six (6) types of IP mentioned above can be protected through The Gambia Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice. (Gambian IP Office).

⁽³⁾ WIPO: World Intellectual Property Organization.



Regional

The Gambia is a contracting party to ARIPO's Banjul Protocol since 3 August 2021 and also a contracting party of the Harare Protocol on patents, utility models and industrial designs.

It is therefore possible to register trademarks, patents, utility models and industrial designs either nationally through the Gambian IP Office or regionally, through ARIPO.

International

The Gambia is also a contracting party to the Madrid Protocol and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks designating The Gambia through the Madrid System. More information is available at: <https://www.wipo.int/madrid/en/>.

Choosing a suitable registration route: trade marks, patents, utility models and industrial designs

A **national** route is suitable when trade mark protection is required in The Gambia only.

A **regional** route through ARIPO is suitable when multi-country protection of the abovementioned IP rights is required.

An **international** route is advisable for trade mark protection only, when protection is required in more countries than are covered by the ARIPO regional trade mark system.

Useful information:

Representation

Foreign applicants whose principal place of business is outside The Gambia must appoint a local agent. (For local applicants this is optional.) The Gambian IP Office accepts signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in The Gambia whether hard copies are necessary or scanned copies sent by email are acceptable. A list of ARIPO representatives (by country) is available at: <https://www.aripo.org/ip-agents/>.

Trade marks

Trade marks can be registered through the national, regional (ARIPO) and international (Madrid) routes.

- The ARIPO trade mark system's multiclass and state designation system closely resembles the Madrid system and for this reason is often referred to as a 'mini Madrid'.
- The Gambia acceded to the ARIPO Banjul Protocol on mark with effect from 3 August 2021 and it has not yet amended its national law to recognise ARIPO trade marks.



- Gambian trade marks law has not yet been amended to recognise Madrid trade marks which, as a result, means that they are not as yet given the same legal protection as national-route trade marks. Brand holders therefore need to be circumspect about their choice of a protect route for their trade marks in The Gambia.
- The Gambia is not a signatory to the Nice Agreement but uses the Nice Classification⁽⁴⁾. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

The Gambia is a signatory of the WTO's TRIPS Agreement and its laws are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

The Gambian IP Office is mandated by the Industrial Property Act of Gambia to register intellectual property rights. Most of the IP enforcement in The Gambia is done through the Courts and the police. The High Court has jurisdiction to hear infringement cases and it is given the authority to enforce compliance by enacting civil and criminal sanctions on the infringers of IP rights.

The Ministry of Justice, in collaboration with the Gambia Police Force, established the Gambia Police Intellectual Property Crime Unit at the Police Headquarters in Banjul. The Unit is manned by 15 police officers. The police are given powers to enter and conduct searches in premises suspected of concealing infringing goods, and to seize any copyright offending goods.

Other stakeholders include the Interpol. The Interpol works closely with The Gambia Police Service to identify, investigate and prevent cross-border organised crime and assists with coordination of IP enforcement activities such as confiscation and seizures of counterfeit goods. The Gambia is also one of the countries which took part in the global operations to seize fake goods, which were coordinated by INTERPOL's Illicit Goods and Global Heath unit.

Other important stakeholders include the legal profession, the Department of Trade and Consumer Affairs, retailers and the general public.

Despite the Gambian IP Office and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in The Gambia. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. Gambian Law entitles rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed.

For copyrights, the Copyright Act of Gambia provides for conservatory measures to preserve relevant evidence with regard to an alleged infringement. Civil remedies include court injunctions, destruction of offending goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment.

⁴ Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.



SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

National, regional, and international trade marks can be registered in The Gambia as explained below.

National – by registering through the Gambia IP office;

Regional – by registering through ARIPO; and

International – by registering through the designation of The Gambia in an international application through the Madrid system concerning the international registration of trade marks.

About regional (ARIPO) trade marks in The Gambia

The Gambia is a member state under of the Banjul Protocol which means it can be designated for purposes of registering a trade mark using the ARIPO trademark system.

Member states conduct substantive examination of applications and after which ARIPO registers trademarks on behalf of its member states and subsequently administers the registrations in terms of the Banjul Protocol. A list of current states that have joined the Banjul Protocol can be viewed from [here](#). ARIPO member states are free to join any of ARIPO's Protocols.. Filing requirements, the registration process, payable fees and a list of current Banjul member states can be viewed from Information on ARIPO trademarks.

Once registered, the nature of an ARIPO IP registration is that it translates into a 'bundle of national rights' which have the same legal effect as corresponding national rights, but which the right holder will have to enforce according to the national laws of each designated state. The ARIPO IP right therefore co-exists with, rather than displaces, national IP systems.

About international (Madrid) trade marks in The Gambia

- The Gambia is a signatory of the Madrid Protocol, which means it can be designated for purposes of registering a trade mark under the Madrid trademark system.
- The Madrid system makes it possible for a country to be designated in an international application in order for a brand owner to secure trade mark protection in that country. It is also possible for brand owners to extend their trademark protection to other countries that are members of the Madrid Protocol.
- A brand owner files one application and pays a single fee to obtain the registration of a trademark in many other countries that are members of the System. Information about the Madrid trade mark system is available through these links: [general information](#) and [how to file](#).



Benefits of registering a trade mark

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.

3.1.1 Who can register a trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in The Gambia needs a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- Full name of the applicant, nationality, and physical address, or a full name of the company represented in a special or particular manner or as it appears on Certificate of Incorporation and physical address;
- A completed Registration of Trademark Request Form M1 containing the applicant's full details;
- A list of the goods and/or services, based on the Nice Classification, on which the trade mark will be used;
- 4 printouts of the trade mark, 1 to be affixed to Form M1 and the remaining 3 to accompany the application;
- In the case of a 3-dimensional mark, the application must specify that registration of the trade mark in a 3-dimensional form is requested, and the representations shall be such as to illustrate the three dimensions clearly.
- A certified copy of the priority document, if applicable;
- A transliteration of the trademark if it consists of non-Roman characters;
- A translation of the mark if it consists of, or contains words that are not English;
- A signed power of attorney, if the applicant is represented; notarisation is not required;
- The prescribed application fee;
- Examination, acceptance and publication



- A trade mark is examined on relative and absolute grounds. Acceptance will be notified to the applicant in Form M 4 which shall be accompanied with a request in Form M 3 for the applicant to pay advertisement fees. The applicant pays advertisement fees under Form M 5 for the application to be published in the Journal for opposition purposes.

An application is deemed abandoned if an applicant fails to pay advertisement fees within 3 months from the date of issue of Form M 4.

The opposition period is 3 months.

Failing opposition, the Registrar issues the registration certificate on Form M8 within 3 months from the expiration of the opposition period.

3.1.3 What qualifies for registration?

- A trademark that is capable of distinguishing particular goods or services of one undertaking from those of other undertakings and is not in conflict with earlier registrations or pending applications and is not contrary to public order or morality.
- Any word, phrase, symbol, design, shape, group of letters or numbers, or combination of these, used by a company as its brand or logo.

3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- if it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises;
- if it is contrary to public order or morality;
- if it is likely to mislead the public or trade circles, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics;
- if it is identical with, or is an imitation of, or contains as an element, an armorial bearing, flag and other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organisation or organisation created by an international Convention, unless authorised by the competent authority of that State or organisation;
- if it is identical with or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in The Gambia for identical or similar goods or services of another enterprise;
- if it is identical with a mark belonging to a different proprietor and already on the register, or with an earlier filing or priority date, in respect of the same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion.



3.1.5 Where can I file an application?

National trade mark applications are filed through the Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice. (Gambia IP office).

Trade mark applications in Gambia must be filed with the Industrial Property Office of the Attorney General's Chambers Ministry for Justice of Gambia (MOI).

ARIPO and Madrid applications are usually filed online directly with ARIPO or the International Bureau in WIPO, but it is possible (and slower) to also file these applications directly with the Gambian IP office for subsequent transmittal to ARIPO and WIPO respectively.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (The Gambia Dalasi). Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in Gambia Dalasi), unless objections and other special circumstances that may increase the costs apply.

Description of Process/ Service	Fee for Application by Local Applicants (Dalasi)	Fee for Application by Foreign Applicants (USD\$)
Application for registration of a mark – First or only class of goods/services included	2500	200
For each additional class	1250	100
Notice of acceptance and request for Advertisement Fee	NIL	NIL





Notice of Payment of Advertisement Fee	1250	100
Certificate of Registration of Mark	NIL	NIL
Application for Renewal of Registration of a Mark	3125	250

3.1.7 How long does registration take?

The trade mark registration process takes between 9-12 months from the filing date to complete, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 3 months.

3.1.8 What is the duration of protection?

In terms of the Gambian Industrial Property Act 12 of 1989, trade marks registered under the Trade Marks Act, 1916 which has now been repealed shall be due for renewal within **14 years** from the filing date of the application for registration or **10 years** from the enactment of the IP Act, whichever period expires first. The IP Act came into force on 2 April 2007.

3.2 PATENTS

The Gambia Patent Registrations

National and regional (ARIPO) patents can be registered in The Gambia in the following ways.

National

- At the Gambia IP Office

Regional

- For the Harare Protocol, through ARIPO.
- All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO patent application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 18-member states in a patent application. It is therefore also possible to file an ARIPO patent application in which The Gambia (or any other member state) is designated to achieve national patent protection but through a regional registration system.

Choosing between a national or regional patent registration for The Gambia

The decision about whether to register a patent in The Gambia through the national or ARIPO route is usually guided by the following considerations:



- **whether substantive examination is required or not:** The Gambian national IP office, conducts formal examination of applications only. ARIPO conducts substantive examination as part of its technical assistance to ARIPO member states in terms of the objectives of the Lusaka Agreement.
- **whether patent protection is required in The Gambia only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

Choosing a patent filing route

The Gambia is a member of the PCT. Patent applications for both The Gambia and ARIPO routes for The Gambia can also be filed through the PCT. However, the PCT provides a patent filing rather than a patent registration route.

National Patents

3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

It is possible for two or more persons or companies to jointly own a patent and apply for its registration.

3.2.2 What are the registration requirements?

A Non [PCT] patent application must contain the following:

- A Request in a prescribed Form P1; The request shall contain a petition to the effect that a patent be granted. The request must contain the applicant's details including full names, nationality, legal status and physical address or if the applicant is a company, its details as they appear in the certificate of incorporation;
- Patent title, abstract, description, claims and drawings;
- Where the applicant is not the inventor, the request shall be accompanied by a statement or Deed of Assignment justifying the applicant's right to the patent.;
- Certified copy of priority document, if applicable;
- Prescribed application fees which can be obtained from the Gambia IP office;
- when the patent is accepted: a letter of acceptance together with the publication and grant fees.



National Phase [PCT] application

- Power of Attorney;
- Copy of priority document;
- Patent title, abstract, description, claims and drawings;
- Deed of assignment;
- Copy of the International Publication;
- Copy of international Search Report; and
- Copy of International Preliminary Report on Patentability

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- **absolute novelty**, the invention must not be anticipated by the prior art;
- **inventive step**, having regard to the prior art, the invention should not be obvious to a person skilled in the art;
- **must be susceptible of industrial applicability** in that it can be used in any kind of industry, including agriculture; and
- **must be patentable invention under national patent law**, patents for the treatment of humans or animals or to pharmaceutical inventions cannot be registered in The Gambia. The reason for the unpatentability of these inventions is so that there is no undue restriction to access to medical care and medicines by people or animals in need.

3.2.4 Where can I file an application?

National applications, non-Convention, Convention and PCT national phase applications must be filed at Industrial Property Office of the Registrar General, headed by the [Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice\(MOI\)](#) (Gambian IP Office)

Regional Applications can be filed through ARIPO electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

3.2.5 How much does it cost?

National (Gambian IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.



Government (official) fees

The fee schedule is published in a statutory instrument. Local and foreign applicants pay fees using the local currency, The Gambia Dalasi for locals and United States Dollars for foreigners. Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

Likely overall registration costs for a national patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below (in Dalasi and USD), unless objections and other special circumstances that may increase the costs apply.

Type of Fees	Local Applicant's Fees (Dalasi)	Foreign Applicant's Fees (USD)
Application for Grant of a Patent (includes examination, grant and publication)	5000	400
Certificate of Grant of Patent	Nil	Nil
Application for Extension of Patent Term	2500	200

ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent for The Gambia using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

Fees that are required at the stage of filing an application as follows:

Type of Fee	ARIPO Fee USD
Application fee, regardless of the number of states designated in the application	232
State designation fee	85 per state (multiplied by the number of designated states)





Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 per state (multiplied by the number of designated states)
Total fees, assuming only The Gambia is designated and payment of first annuity fee	317
Total fees, assuming all 18 Harare Protocol states, including The Gambia, are designated and payment of first annuity fee	2 662

Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.2.6 How long does registration take?

National patent applications in The Gambia take approximately 12-15 months to complete the registration process including substantive examination unless the subject matter is complicated, and the patent application is referred to ARIPO for substantive examination.

If Substantive examination occurs, it is completed on average within 3 years from the filing date of the application.

Regional-route patent applications for The Gambia are substantively examined by ARIPO and take between 24-36 months on average to complete registration, assuming that there are no objections.

3.2.7 What is the duration of protection?

National patents - fifteen (15) years from the filing date, which can be extended on application by five years, provided proof of working is furnished subject to payment of annual maintenance fees. The filing date will be the priority date if priority is claimed.

ARIPO patents have a non-extendible duration of 20 years in terms of the provisions of the Harare Protocol.

3.2.8 When are renewal fees paid?

National patents

Renewal fees are paid from the second anniversary of the filing date up to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.



Annuities

The following government (official) fees are currently applicable and payable in local Dalasi at the equivalent rate:

Annuity Years	Local Applicant's Fee (Dalasi)	Foreign Applicant's Fees (USD)
For 1 st year	May be paid in equivalent value in local current	250
For 2 nd to 9 th year		300
For 10 th year		400
For 11 th year		500
For 12 th year		600
For 13 th year		700
For 14 th year		800
For 15 th year		900
For 16 th year		1000
For 17 th year		1100
For 18 th year		1200
For 19 th year		1300

Government fees change. It is advisable to check applicable fees with the Ministry of Justice through this link: <https://www.moj.gm/registrar-general-s-department> or through a local agent.

ARIPO-route The Gambia patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

ARIPO fees are payable *per designated state*.

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee (USD)
1 (NB: Due the second year after the filing date)	50
2	70
3	90
4	110
5	130
6	150
7	170
8	190
9	210
10	230
11	250
12	270



13	290
14	310
15	330
16	380
17	430
18	480
19	530
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	100
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	50

3.3 UTILITY MODELS

In some jurisdictions utility models are referred to as ‘petty patents’ because they are similar to patents but require less stringent conditions for registration and are registered for a shorter term than a conventional patent.

Patent conversions

A significant number of utility model registrations in The Gambia arise from conversions of patent applications into a utility model application. Conversions can be made at any time before the acceptance of a patent. It is not possible however, to convert a utility model application into a patent application.

The Gambia Utility Model Registrations

Utility models are registered in the Gambia through 2 routes: national and regional.

National utility models

Utility models are registered in The Gambia by the Gambian IP office in terms of Part III of the Industrial Property Act, Chapter 95:03.

Regional utility models

The Gambia is contracting party under the Harare Protocol and therefore utility models can also be registered through this route apart from the national route. Registration processes and procedures can be obtained from ARIPO through this link: <https://www.aripo.org/ip-services/utility-model/>.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO utility model application. ARIPO’s designation system allows an applicant to choose one, some or all of the remaining 18-member states in a utility model application. It is therefore also possible to file an ARIPO utility model application in which The Gambia or any other country is designated to achieve national utility model protection but through a regional registration system. However, it is advisable to ensure that utility model protection is available in each



state that us designated because it is doubtful that it would be possible to enforce rights in a designated state that actually does not provide utility model protection in its national laws.

National (Gambian IP Office) Utility Models

3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

Joint owners can apply for a utility model registration.

3.3.2 What qualifies for registration?

A registrable utility model must meet the following requirements;

- **Novelty** - the invention must be a new characteristic and must not be anticipated by the prior art;
- **Industrial applicability** – the invention useful in any kind of industry.

3.3.3 What cannot be registered?

The following inventions cannot be registered as utility models in The Gambia:

- Discoveries, scientific theories and mathematical methods;
- Plant or animal varieties or essentially biological processes for the production of plants or animals, other than microbiological processes and the products of such processes;
- Schemes, rules or methods for doing business, performing purely mental acts or playing games; and
- Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practised on the human or animal body, and this provision shall not apply to products for use in any of those methods.

3.3.4 Where can I file an application?

National applications for utility models must be filed at Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice (MOI) (the Gambian IP Office).

Regional applications can be filed at the Gambian IP Office or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in The Gambia on the basis of an international application, this must be indicated in the international application when filed.



3.3.5 How much does it cost?

National (Gambian IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (The Gambia Dalasi and the USD). Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.3.6 How long does registration take?

National utility model applications are examined substantively. The average time frame is 12-15 months.

It is advisable to check applicable processing time frames before starting the registration process.

Regional-route filed Gambian IP Office applications are substantively examined by ARIPO and take longer than national utility model applications to reach registration. These applications can take between 18- 24 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

3.3.7 What is the duration of protection?

In The Gambia, the duration of utility models is seven (7) years after the date of the filing of the application without any possibility of renewal.

ARIPO-registered utility models have a duration of 10 years from the filing date.

3.4. INDUSTRIAL DESIGNS

In The Gambia industrial designs are registered without being classified as either aesthetic or functional designs.



The Gambia Industrial Design Registrations

National and regional (ARIPO) industrial designs can be registered in The Gambia in the following 2 ways:

National

- At the Industrial Property Office of the Registrar General, headed by the Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice(MOI). (Gambian IP Office)

Regional

- Through the Harare Protocol, using the ARIPO registration system.

All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO industrial design application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 18-member states in an industrial design application.

It is therefore possible to file an ARIPO design application in which The Gambia or any other country is designated to achieve national design protection but through a regional registration system.

Choosing between a national or regional industrial design registration for The Gambia

The decision about whether to register a design in The Gambia through the national or ARIPO route is usually guided by the following considerations:

- **whether design protection is required in The Gambia only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** ARIPO's centralised regional design registration system is usually considered to be more cost-effective than a national design registration approach;
- **time-effectiveness:** The Gambia, like some other ARIPO member states, does not receive a lot of design applications to justify staff training and deployment into industrial design sections of the IP Office. As a result, in comparison to ARIPO, national offices tend to be considerably slower to process design applications. Time is usually of essence to proprietors because designs are often short-lived. As a result, time-conscious applicants usually tend to prefer to register their designs through the ARIPO route instead of the national route.

Examination and novelty of designs for The Gambia

The Gambia carries out substantive examination of design applications. Applications are examined as to compliance with formal requirements and then substantive examination.

ARIPO carries out a formal examination of designs, but member states are given the opportunity to carry out a substantive examination within a period of 6 months of ARIPO's notification to register a design on behalf of a member state.



National (Gambian IP Office) Industrial Designs

3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in The Gambia.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

3.4.2 What are the registration requirements?

A design application must contain the following documents:

- A request for registration of an industrial design on the prescribed Form D1;
- The Applicant's full details including name, nationality, legal status, physical address and full company details if the applicant is a company;
- At least one drawing, photography or other adequate graphical representation of the design;
- An indication of the kind of products for which the industrial design is to be used;
- Classification in terms of the Locarno Agreement;
- Deed of Assignment of the design if the creator is not the applicant, simply signed;
- A certified English translation, if the document is not in English;
- A Statement of Novelty (Distinctive Statement) which must not include any description of the use of the article or its features, or of its advantages or method of construction; and
- Certified copy of priority document, if priority claimed, with verified English translation (can be late filed within three months from filing); and
- Prescribed application fees.
- It is not a requirement that a design should have an objectively noticeable aesthetic quality.

3.4.3 What qualifies for registration?

An industrial design is registrable if it is new. For a creation to qualify for design registration it must clearly identify novel features of the design in terms of:

- shape;
- configuration;
- pattern and/or ornament.

Multiple design applications are possible in The Gambia, provided that all the designs are embodied in a single set of articles and belong to the same class.



3.4.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality;
- designs for articles that are primarily literary or artistic in character, such as paintings, sculptures, drawings, enamelling, engravings, embroidery, photographs, sculptures, architecture and works of artistic craftsmanship;
- designs consisting solely of a change in the colour of already known designs;
- designs whose features correspond to or are determined by functions to be performed by the products.

3.4.5 Where can I file an application?

National-route design applications must be filed at the Gambian IP Office.

Regional- route design applications can be filed through ARIPO electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

3.4.6 How much does it cost?

National (Gambian IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (The Gambia Dalasi or USD). Application forms and information on fees are available through this link: <https://www.moj.gm/registrar-general-s-department>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals for The Gambia. A list is available through this link: <https://www.aripo.org/ip-agents/>.

ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.



Application fees, are as follows:

Type of Fee	ARIPO Fee (USD)
Application fees, regardless of the number of states designated in an application	40
State designation fees	10 per state (multiplied by the number of designated states)
Total fees, assuming that only The Gambia is designated in the application	50
Total fees, assuming that all 18 Harare Protocol states, including The Gambia, are designated in the application	220

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

3.4.7 How long does registration take?

National-route applications usually take between 15-18 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

Regional-route applications usually take 8 -12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

3.4.8 What is the duration of protection?

A national Gambian industrial design has an initial duration of five (5) years from the filing date, subject to a possible extension of two further consecutive 5 –year term to make 15 years.

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

ARIPO-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.



ARIPO fees are payable per designated state. The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee
1	10
2	12
3	14
4	16
5	18
6	20
7	24
8	28
9	32
Late renewal fees consist of 2 parts:	
i. Surcharge for late payment of annual maintenance fee	15
ii. Penalty fee for each month or fraction of a month for which the fees remain unpaid	2

Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. It is advisable to compare the fees of different IP agents.

3.5. LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS

These designs are registrable in terms of the Layout-Designs (Topographies) of Integrated Circuits Act, 2004.

These designs are registered nationally only.

3.5.1 Who can register a lay-out design?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

It is possible for two or more persons or companies to jointly own a design and to apply for its registration as joint owners.

3.5.2 What qualifies for registration?

A lay-out design must be new and original as follows:

New: the design must have been commercially exploited anywhere in the world for a period exceeding 2 years from the date of application for registration.



Original: the design must be a product of its creator's own intellectual effort and must not have been commonplace among creators of lay-out designs and manufactures of integrated circuits at the time of filing an application for registration.

3.5.3 What cannot be registered?

A lay-out design cannot be registered:

if it is not new and original; and

of it is contrary to the law or against public order and morality.

3.5.4 Where can I file an application?

The application is filed with the Registrar of Designs within the Gambian IP Office.

3.5.5 How much does it cost?

Fes change. You can obtain the latest fee schedule from the Registrar's office through this link: <https://www.moj.gm/registrar-general-s-department>

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

Likely overall registration costs for a national patent

Current official fees are set out in the table below. (in Dalasi and USD), unless objections and other special circumstances that may increase the costs apply.

Type of Fees	Local Applicant's Fees (Dalasi)	Foreign Applicant's Fees (USD)
Application for Grant of a Patent This is a once off registration fee which includes examination, grant and publication fees	3125	250

3.5.6 How long does registration take?

Registration does not involve substantive examination and therefore the registration period is short, between 4-6 months, failing objections or unforeseen delays.



3.5.7 What is the duration of protection?

10 years from the filing date without the possibility of a renewal.

3.5.8 When are renewal fees paid?

None, the term of registration is not renewable.

3.6 COPYRIGHT AND NEIGHBOURING RIGHTS

The Gambia has many famous *Mbalax* (meaning “rhythm”) and *Sabar* dances. The dance styles are unique, rhythmic, and expressive and they can be copyrighted.

About Copyright and Neighbouring Rights in The Gambia

The Gambia has a dedicated law for the protection of copyright and neighbouring rights, namely the Copyright Act 2004. The Gambia is also a signatory to the WIPO Copyright Treaty.

Copyrights are registered through the National Centre for Arts and Culture Ministry of Culture (NCAC)

3.6.1 Can I register?

Copyright is **not** a registrable right in The Gambia. It exists automatically when any original work is created in one of the categories that is protected by the Copyright And Neighbouring Rights Act.

The Gambia is a member ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

3.6.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- The work must be original and expressed in a definite medium of expression.
- Any original work in respect of the listed works below qualifies for protection:
 - a) literary work;
 - (b) artistic work;
 - (c) musical work;
 - (d) sound recordings;
 - (e) audio-visual work;
 - (f) choreographic work;
 - (g) the derivative works specified in the Act; and
 - (h) programme-carrying signals



3.6.3 What cannot be protected?

- Any work whose subject matter that does not qualify for legal protection
- Any idea, procedure, system, method of operation, concept, principle, discovery or mere data even if expressed, described, explained, illustrated or embodied in a work.
- Any official text of a legislative, administrative or legal nature or any of its official translation.
- Any work whose author is not Gambian by:
 - citizenship; or
 - domicile; or
 - by virtue of being incorporated in The Gambia.
- Any work that is contrary to law, public order, or morality.

3.6.4 What are the requirements for legal protection?

- An original work must be any one of the following subject matters for it to qualify for copyright protection:
 - a) literary work;
 - (b) artistic work;
 - (c) musical work;
 - (d) sound recordings;
 - (e) audio-visual work;
 - (f) choreographic work;
 - (g) the derivative works specified in the Act; and
 - (h) programme-carrying signals

3.6.5 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:

- fair use: copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work;
- fair use for purposes of criticism, review or news reporting;
- educational use;
- copies made to replace or conserve library or archival copies of works;
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for parliamentary or judicial proceedings or inquiries;



- quotations from copyright works;
- public readings and recitations.

3.6.6 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into The Gambia or exporting it from The Gambia, otherwise than for personal and private use;
- causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast and is operated by the original broadcaster;
- making an adaptation of the work.

3.6.7 What is the duration of protection?

The duration of copyright protection (is as follows:

- **literary works:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **performers and recording rights:** 50 years from the end of the calendar year in which the performance took place;
- **an audio-visual work, a collective work, a photograph, or a computer program:** 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- **a sound recording:** 50 years from the end of the year in which the recording was first published;
- **a broadcast:** 50 years from the end of the year in which the broadcast first took place;
- **a programme-carrying signal:** 50 years from the end of the year in which the signal was first emitted to a satellite;
- **a published edition:** 50 years from the end of the year in which the edition was first published;
- **a work of applied art:** 25 years from the making of the work.
- **a work owned by a public corporation or other body corporate-** 50 years from the date on which the work was made public



3.6.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in The Gambia once its term has expired. The work lapses into the public domain at the end of the term of protection.

Links to legislation:

ARIPO: <https://www.aripo.org/member-states-laws/>

Links to institutions:

AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: <https://au.int/en/cfta>

ARIPO – African Regional Intellectual Property Organization: <https://www.aripo.org/>

ECOWAS – Economic Community of West African States: <https://www.ecowas.int/>

National Centre for Arts and Culture Ministry of Culture (NCAC): www.ncac.gm

Registrar of Trade Marks and Patents and operated under the supervision of the Ministry for Justice(MOI) : <https://www.moj.gm/registrar-general-s-department>

SADC – Southern African Development Community: <https://www.sadc.int/>

